INFORMAL TRANSITION PAPER

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EXCISE

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The Status of Jerusalem

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BACKGROUND

Jerusalem has always been the prized possession of the region's dominant power but never had any formal status apart from the lands that surrounded it until 1947, when the UN partition plan called for international administration of the city as an entity separate ("corpus separatum") from either the Jewish or Arab states that were to be established in Mandate Palestine. The corpus separatum plan was never implemented, of course, and current claims to the city grow out of what the parties have since achieved by force of arms.

The 1948 war left Jordan in occupation of the eastern part of Jerusalem and when Jordan annexed the West Bank in 1950 East Jerusalem was included. Israel remained in control of the western part of Jerusalem, which it annexed and proclaimed its eternal capital. After occupying East Jerusalem and the West Bank in the June 1967 war, on June 27, 1967 the Israeli Knesset voted a resolution (not a law) extending the law and administration of Israel to east Jerusalem. The following day the Israeli Government, by administrative order, increased Jerusalem's size by annexing to the city approximately 70,000 dunams (about 18,000 acres) of land to the north, south and east of the city (see map at Tab 1). After being thus united and expanded, the city comprised an estimated total population of 267,000. Of this number, 68,600 were non-Jewish, predominately Arab, residents of enlarged East Jerusalem.

Between 1968 and 1972 the Israeli Government expropiated an estimated 18,000 dunams of land in East Jerusalem, mostly in the newly added part of the city, for the construction of Jewish housing and for commercial and industrial activities. A ring of Jewish housing developments was subsequently established on the northern and southern fringes of the unified city, eight in number: Ramot, Neve Yaacov, Ramat Eshkol, Mivtar Hill, French Hill, Mount Scopus Extended, East Talpiot and Gilo. Most of the land and buildings in the former Jewish quarter of the old city was also expropriated and new housing has been built there. As of 1979 approximately fifty thousand Israelis lived in East Jerusalem.

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U.S. POSITION

The U.S. voted for the 1947 UN Resolution denominating Jerusalem as a corpus separatum, but after the 1948 hostilities the question of the permanent status of the city was left in abeyance pending a final peace settlement. Since then we have consistently refused to recognize either Israeli or Jordanian claims to sovereignty over any part of Jerusalem. We have accordingly maintained our Embassy in Tel Aviv and declined to accredit the U.S. Consul General in Jerusalem to any government. We have nonetheless dealt on a practical basis with Israeli and, until June 1967, Jordanian authorities in their respective sectors.

The U.S. has maintained that East Jerusalem and the areas annexed to it in June 1967 are occupied territories and remain subject to international law concerning occupied territory. This position was developed in statements by Ambassador Arthur Goldberg in 1967 (Tab 2) and Ambassador Charles Yost in 1967 (Tab 3).

When the Jerusalem question was discussed at the Camp David Summit, there was agreement among the parties that the city should be undivided, that there should be free access to the holy places, and that each of the three faiths should have a role in protecting its sacred sites. Further agreement did not prove possible, however, and it was decided that each of the three sides -- Egypt, Israel and the U.S. -- would state its position in a separate exchange of letters that was made public following Camp David (see Tab 4).

In an exchange of questions and answers between King Hussein and President Carter in October 1978, we provided more detials of our thinking on the Jerusalem issue in the Camp David context. We indicated to Hussein that we considered East Jerusalem to be part of the West Bank but told him that because of Jerusalem's special history and status, a negotiated solution for it might differ in some respects from the solution negotiated for the rest of the West Bank. We said that while it might not be possible to extend to Jerusalem the full scope of the Self-Governing Authority (SGA) during the transitional period, we would support the idea of East Jerusalem Arabs participating in the election of the SGA. We emphasized, however, that such arrangements would not prejudge the final status of Jerusalem.

EXCISE

The Jerusalem Bill and the Current Situation

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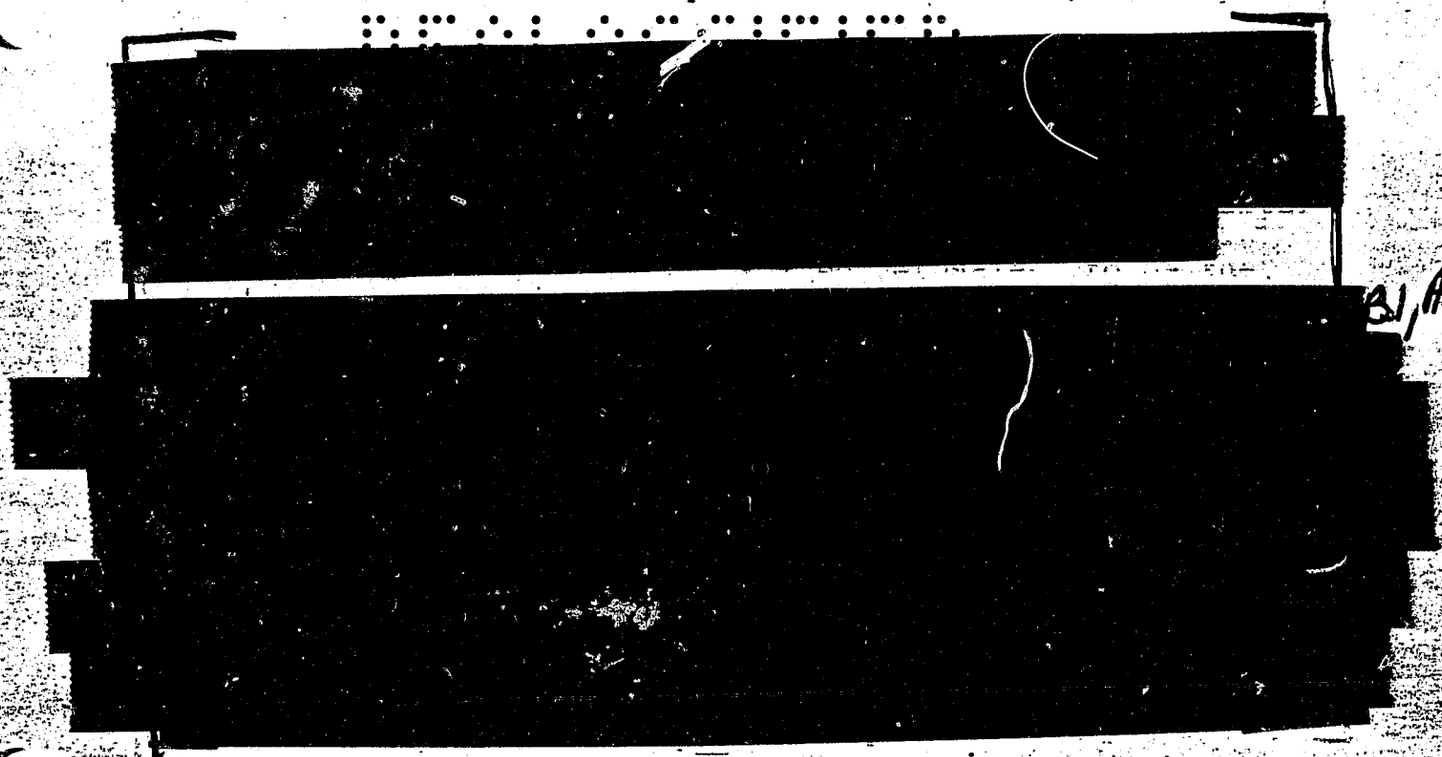

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